

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6522

BILL NUMBER: SB 177

NOTE PREPARED: Dec 19, 2008

BILL AMENDED:

SUBJECT: Fees for Fire or Other Emergency Services.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a paid or volunteer fire department may impose a service charge on the operator of a toll road project for certain fire or other emergency protection services that the paid or volunteer fire department provides on the toll road project.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fees:* The bill allows a fire department or its agent to bring a civil action to recover unpaid service charges. A fire department would not have to pay court fees, but the defendant may be ordered to pay the fee if the defendant does not prevail. If court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Reimbursement:* The bill could provide reimbursement for services provided by fire or other emergency services provided on a toll road project. The revenue collected must be

used to pay costs, including operational costs and salaries attributable to providing fire or other emergency protection services.

Court Fees: If additional court fees are collected, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Background and Additional Information -

Service Charge Limitations: Under current law, a volunteer fire department may charge fees for services to property owners or through contracts with political subdivisions within its jurisdiction. Also, any fire department may charge a responsible party with respect to a hazardous materials emergency. A fire department may not duplicate either of these billings when billing a toll road project.

The charges must be reasonable and may not exceed the State Fire Marshal's recommended schedule which follows:

- (1) \$250 per response vehicle or \$100 per command/control vehicle for initial response.
- (2) \$150 per response unit or \$50.00 per command/control vehicle for each hour on-scene assistance.
- (3) The actual replacement cost for expendable materials such as absorption materials, emulsifiers, or other agents used in cleanup operations.
- (4) The actual cost of removal and disposal for the collection of debris, chemicals, fuel, or contaminated materials resulting from a spill.

Operating Budgets: Currently, a fire department may levy property taxes to pay for operating costs. If the budgeted costs are exceeded, the fire department arranges a temporary loan and increases the following year's levy to repay the loan.

State Agencies Affected:

Local Agencies Affected: Fire departments near toll road projects.

Information Sources: www.in.gov/dhs/2755.htm.

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